

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

FILED BY *Jf* D.C.
05 DEC -5 PM 2: 35

**BILLY ALLRED, DECEASED,
MARY MCCAIN AND JANICE SHUFFIELD,
AS PETITIONERS and ADMINISTRATRICES,**

THOMAS M. GOULD
CLERK, U.S. DISTRICT COURT
W.D. OF TENNESSEE
PLAINTIFFS

VS.

NO.: 04-2596-MaV

**MID-SOUTH TISSUE BANK, INC.,
UNITED DONOR SERVICES, LLC,
CATHY UNDERWOOD, TIMOTHY
BRAHM and KEVIN FOLEY, M.D.,**

DEFENDANTS

CONSENT ORDER TO CONSOLIDATE

CAME ON FOR HEARING upon consent of the parties as signified by their signatures hereunder, and the Court being fully advised in the premises does find:

1. That there are currently two cases now pending in United States District Court of Tennessee, Western Division, bearing docket numbers 04-2596-MaV and 04-3037-MI-An, which arise out of the same or a similar set of facts.
2. That an order granting Summary Judgment was entered in docket number 04-3037-Mi-An on October 18, 2005 to Defendants Sills, Muhlbauer, and Timmons the only Defendants other than Shelby Count Healthcare Corporation served therein.
3. That Order limited the issues in that case and made consolidation of these two cases appropriate since the causes arise out of the same or a series of occurrences involving common questions of law and facts.
4. That all parties to each action signify their consent to consolidation by their signature hereunder.

5. That this case was filed first and the matters should be consolidated in this docket number.

IT IS THEREFORE, ORDERED AND ADJUDGED the cases in docket numbers 04-2596-MaV and 04-3037-MI-An be consolidated into docket number 04-2596-MaV for trial that the scheduling order dated May 24, 2005 currently in force in case number 04-3037-MI-An be adopted for purpose of the consolidated action.

SO ORDERED AND ADJUDGED this the 5th day of December, 2005.

Drane K. Uscaro
~~Judge Samuel H. Mays, Jr.~~
~~U.S. District Judge~~ *Magistrate Judge*

Approved to :

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Notice of Distribution

This notice confirms a copy of the document docketed as number 30 in case 2:04-CV-02596 was distributed by fax, mail, or direct printing on December 13, 2005 to the parties listed.

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Honorable Samuel Mays
US DISTRICT COURT